

# MAINE REAL ESTATE NEWS

Department of Professional and Financial Regulation - Office of Licensing & Registration  
Maine Real Estate Commission



## From the Director's Desk

*Carol J. Leighton*

### Law/Rule Changes Effective July 1, 2006

Downloadable copies of the new law and rules are available at [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org)

Changes to the Brokerage Law (Title 32, Chapter 114) effective July 1, 2006 were reported in the Summer 2005 edition of *Maine Real Estate News* (downloadable copy also available at website above) and a printed copy of the new law and rules have been mailed to each designated broker for distribution to affiliated licensees, in addition to the downloadable copies available at the website above. A brief summary of the changes to the rules begins in the column below right on this page.

*Transaction Broker and Brokerage Agreements for Agent-level Services (includes buyer agent services) Must be in Writing: Law changes effective July 1, 2006 complete agency relationship changes enacted in 1993.*

The Real Estate Commission's adoption of rule changes, effective July 1, 2006, complete a process that began, in many ways, with the passage of legislation in 1993 with the enactment of Title 32, Chapter 114, Subchapter 7. The law changes in 1993 defined such terms as "seller agent," "buyer agent," and "disclosed dual agent" and established duties owed to clients working with an agent. What was not defined in law, at that time, is the role of a real estate licensee who was not an agent but was providing brokerage services to a buyer or seller. The term "transaction broker" became the term generally used to describe a licensee who was providing brokerage services in a transaction but not at an agent level. The Commission issued two Advisory Rulings in October 1993 and an updated Ruling in August 1995 to inform licensees of this "non-agent" role. Over the past few years, the term "transaction broker" became a commonly used term in the marketplace. Although the term was commonly used, the definition, duties and prohibited acts were not clear. This lack of clarity exposed real estate licensees who were acting as "transaction brokers" to possible license sanctions or allegations of acting as undisclosed dual agents. The Commission and the industry recognized the need to define the term "transaction broker" and to set clear and definite standards of brokerage conduct to address this "gap" in the law. Effective July 1, 2006, Subchapter 7 newly titled "Real Estate Brokerage Relationships" establishes the presumption of transaction broker (see §13282) and establishes, in law, the specific real estate bro-

(Continued on page 2)

### NEW CORE COURSE APPROVED - "NEW LAWS & RULES CORE COURSE"

The new three hour continuing education core course is "NEW LAWS & RULES CORE COURSE." The new core course provides information on the law and rule changes effective July 1, 2006. The new core course is available and licensees may complete the new core course or the current mandatory course "Offers and Counter Offers" for renewal of or activating a license until December 31, 2006. The new core course will be mandatory for license renewal and activation on or after January 1, 2007. A list of course sponsors and course schedules is available on the Commission's webpage [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org).

**IMPORTANT CONTINUING EDUCATION REMINDER:** Effective July 1, 2006 the number of continuing education clock hours to renew a license increases from 15 clock hours to 21 clock hours (21 hours must include core course). If your license expires on or after July 1, 2006 you will need 21 clock hours to renew. If your license expires before July 1, 2006 but you renew after July 1, 2006 you will need 21 clock hours to renew. Inactive licensees please reference Title 32 §13196 for information on the number of clock hours needed to activate a license.

*New Rules Effective July 1, 2006 (downloadable copies available at [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org))*

The Real Estate Commission adopted the proposed rule changes to Chapters 360 and 390, the repeal of Chapters 320 and 330 and adoption of new rule Chapters 400 and 410 at the April 12, 2006 meeting. The text of the new rules is available at the website listed above.

Following is a brief summary of the major changes by Chapter:

**Chapters 360** (Prerequisites to Licensure by Individuals) and **390** (Licensing Procedures and Requirements) were amended to comply with the law changes made to

(Continued on page 3)

Inside This Issue:	Pages
Director's Desk	1-2
Rule Changes	1-4
Current Cases	5-14
Sales Agent transition information	2
New Sales Agent & Assoc. Broker course information	15

*Director's Desk (Continued from page 1)*

kerage responsibilities (see §13283 [2]) a transaction broker has to a buyer or seller and the list of brokerage acts that a transaction broker is prohibited from performing for a buyer or seller (see §13283 [3]).

Real estate licensees who may have provided brokerage services as a "transaction broker" prior to the changes in law referenced above are advised to review carefully the changes to the law and practice standards adopted by rule in Chapter 410 to ensure that their conduct is in compliance with these important changes.

Effective July 1, 2006 all brokerage agreements to provide agent representation services must be in writing and comply with the other requirements of 32 MRSA §13177-A. Previously, the requirement for a written brokerage agreement was limited to listings (all one to 4 family residential properties and any exclusive listing for commercial and/or land listings). On or after July 1, 2006 all brokerage agreements to provide agent level services must comply with §13177-A. Maine was one of the first states to enact agency relationship laws to define agency duties, as noted above. Unlike other states that enacted agency laws after 1993, Maine law did not require that all agent representation agreements, including buyer brokerage agreements, be in writing. In the thirteen years since the enactment of Subchapter 7, buyer agent relationships are an everyday part of brokerage services in Maine and most real estate companies that offer buyer representation require written buyer brokerage agreements. The law, in this regard, is catching up with current brokerage practice.

Licensees are encouraged to enroll in the new core course "New Laws and Rules" to obtain additional information regarding transaction broker standards and the requirements for agent-client brokerage agreements.

### **New License Requirements - what do they mean for sales agents licensed before July 1, 2006?**

There are over 2,000 sales agents who will be eligible to be licensed as associate brokers after July 1, 2006. These 2,000 sales agents qualify for an associate broker license under the transition provisions of Public Law 2005 Chapter 378:

"A license application for real estate sales agent must be processed according to the laws in effect on the date the application is received by the Real Estate Commission. If an applicant has satisfactorily completed the requirements for licensure by July 1, 2006, the license application must be processed according to the laws in effect on June 30, 2006. **A person already licensed as a sales agent on the effective date of this Act (July 1, 2006) must comply with the examination procedures of Title 32, section 13200, subsection 2 to become licensed as an associate broker** (emphasis added)."

Sales agents licensed before July 1, 2006 and applying for an associate broker license after July 1, 2006 will be required to meet the three following requirements to qualify for an associate broker license:

1. **Experience:** licensed as an active sales agent for two years within the 5 years immediately preceding the date of license application;
2. **Education:** evidence of passing the associate broker course (both law and practice) before July 1, 2006 or evidence of passing the new associate broker course, which requires 60 classroom hours and Documented Field Experience Training after July 1, 2006; and
3. **Examination:** evidence of passing either the State associate broker or sales agent examination (Promissor examinations) before July 1, 2006 or passing the sales agent examination (Promissor examination) after July 1, 2006.

Additional information on the transition provisions is posted on the Commission's webpage: [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org)

### **Examination Authorization Cards Required for Sales Agent Examinations after June 30, 2006:**

Sales agent examination candidates must obtain an examination authorization request card (also known as a "pink card" from the Commission in order to gain admission to the Promissor testing center. A Sales Agent Examination authorization request form can be downloaded from our website ([www.maineprofessionalreg.org](http://www.maineprofessionalreg.org)) and must be accompanied by the original transcript issued by the Sales Agent course provider.

*New Rules (Continued from page 1)*

the sales agent and associate broker license qualifications. Specifically, Chapter 360 eliminates the examination requirement for associate broker license applicants and requires sales agent license applicants to pass the sales agent examination within one year of successful completion of the sales agent course. Chapter 390 further clarifies the timeline for a sales agent license applicant to qualify for licensure by requiring the applicant to apply for the license within 1 year of the date of passing the exam. No changes were made to the broker license application requirements. See page 14 for information on the new sales agent and associate broker courses.

Other changes to **Chapter 360** include allowing a proprietary school to sponsor the three real estate prelicense courses and a prohibition on using the classroom to recruit for new licensees.

**PLEASE NOTE - All Currently Licensed Sales Agents: A sales agent licensed on or before July 1, 2006 qualifies for an associate broker license under the transitional provisions of PL 378 (2005). Information on the transitional provisions is found on page 2.**

Chapter 320 was repealed and replaced by **Chapter 400** (Agency/Designated Broker Responsibilities).

**Chapter 400 (Section 1)** delineates the responsibilities of a designated broker in significantly greater detail than as set out in former Chapter 320. Designated brokers will be required to establish a system for monitoring compliance with policies and procedures that will enable the designated broker to review, manage and oversee brokerage transactions and compliance with the License Law.

**Chapter 400 (Section 2)** revamped the Commission rules dealing with earnest money deposits, including defining the term "earnest money deposit" to include all funds held by the agency for purposes related to a real estate brokerage transaction and increasing the time period to deposit earnest money into the real estate trust account from three business days to 5 business days.

Former Chapter 320 contained a provision for the disposition of a disputed earnest money deposit, but was silent as to disposition of an undisputed earnest money deposit. **Chapter 400, (Section 2 - [9 & 10])**, establishes protocols for the return of both undisputed and disputed earnest money deposits. The undisputed policy permits disbursement upon written authorization of the parties consenting to the release or no sooner than 5 business days after notice to the parties of the designated broker's decision to release upon reasonable reliance on the terms of the purchase and sale agreement or other written documents signed by the parties. If one of the parties makes a demand on the earnest money deposit prior to release, the deposit is in dispute and the disputed deposit protocol must be followed. The disputed earnest money deposit protocol includes the requirement that a designated broker notify all parties of demands made by any one party for a disputed earnest money deposit, allows for release of the deposit upon the designated broker's reasonable reliance on the terms of the purchase and sales agreement or other written documents signed by the parties (with a caution to the designated broker), reduces the notice period for a designated broker's release for a disputed earnest money deposit from 3 days to five business day and prohibits the designated broker, without the written authorization of the party to be charged, from withholding any portion of the deposit when a transaction fails to close even if a commission is earned.

**Chapter 400 (Section 3)** adopts a new record retention schedule for all real estate brokerage records. The record retention schedule requires that rejected offers and counter offers be retained for one year from the date of rejection and requires all other brokerage records to be retained for three years following funds disbursement or the conclusion of the transaction, whichever last occurs.

Chapter 330 was repealed and replaced by **Chapter 410** (Minimum Standards of Practice).

**Advertising standards:** Former Chapter 330 dealt with real estate advertising only briefly. **Chapter 410 (Section 1)** contains a comprehensive definition of real estate brokerage advertising, and implements specific requirements and specific prohibitions with respect to the advertising of real estate brokerage activity. The new advertising standards reflect the issues noted in articles contained in previous editions of the newsletter. Chief among these is a tendency to overlook the baseline accountability requirement that advertising be done in the trade name of the real estate agency. The new standard requires that the licensed trade name be prominently displayed in all brokerage-related advertisements. In addition, an affiliated licensee's name and phone number or other contact information may be included in the advertisement but the agency's trade name and contact information must also be included. Additional advertising standards require the written permission of the owner before any advertisement may be placed and the written consent of the designated broker of the listing agency must be obtained before another company may advertise the availability of real estate listed on

*(Continued on page 4)*

*New Rules (Continued from page 3)*  
an exclusive basis.

**Chapter 410 (Section 3) Market Value:** establishes the timeline when an opinion of value may or may not be provided by a transaction broker to a seller or buyer.

Section 3 - 1: When Opinion Permitted: A licensee may provide a free opinion of value to a seller (or buyer in certain instances) at the time of soliciting a listing and before an agreement to provide services has been reached or executed. Before an agreement is reached or executed to provide brokerage services, the presumption of transaction broker (reference to 32 MRSA §13282) is not triggered;

Section 3 - 2: When Advice Prohibited: After an agreement to provide services has been reached or executed, a transaction broker is prohibited from providing advice to either the seller or buyer regarding market value. (reference to 32 MRSA §13282 and 13283 [3] - the presumption is triggered and, as such, a transaction broker may not conduct an analysis of the property for the benefit of any party);

Section 3-3: Provision of Comparable Market Data: A transaction broker or an agent for the buyer or seller may provide market data to a buyer or seller for the buyer or seller to use to determine value; and

Section 3-4: Factors or Conditions That May Impact Client's Interest. Sub-section 4 requires a licensee (agent) representing a client to advise the client of any factors or conditions known by the agent that may materially impact the client's interests regarding market value.

**Chapter 410 (Section 6)** - Disclosure of Brokerage Agency Compensation Policy - two disclosure requirements:

(Section 6 -1) requires disclosure of the agency's policy on cooperating with and compensating other agencies in all written brokerage agreements. In addition, if the agency's policy is not to compensate all other agencies in the same manner, this policy must be included in the statement and include a notice that this policy may limit participation of other agencies.

(Section 6-2) - An agency who has a policy of paying an incentive to its affiliated licensees for a greater commission for an in-house sale versus transactions involving a cooperating agency must disclose this policy in all written brokerage agreements.

**Chapter 410 (Section 8)** - Appointed Agent Procedures and Disclosure: Clarifies that at the appointment of new or additional appointed agent(s) the designated broker must comply with the provisions of Section 8, including obtaining the client's signature consenting or not consenting to the new or additional appointment.

**Chapter 410 (Section 9)** - Real Estate Brokerage Disclosure Procedures: The Real Estate Brokerage Disclosure Form replaces the previous disclosure form (Agency Relationships Form #2). A copy of this new Form has been sent to designated brokers and is available to be downloaded from the Commission's website [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org)

**Chapter 410 (Section 13)** - Licensee's Duty to the Designated Broker: An affiliated licensee must provide originals or true copies of all brokerage documents and records prepared in a real estate transaction (as listed in the record retention rule in Chapter 400, Section 3) to the designated broker within 5 calendar days after execution of the document or record.

**Chapter 410 (Sections 14-18)** - Mandatory Property Disclosure Requirements: Only change from the former Chapter 330 is the deletion of the word "representing" to clarify that the responsibility to obtain and provide the mandatory property disclosures is the same for a transaction broker and a licensee acting as an agent representing a client.

**Chapter 410 (Section 19)** - Referral Fees:

(19-1) - Prohibits a licensee from receiving compensation or other valuable consideration from a title company, lender or closing company for directing a buyer or seller in a transaction to a company or an individual for financing, title or closing services.

(19-2) - Prohibits a licensee from receiving compensation or other valuable consideration from a company or person for referral of services to a buyer or seller during a brokerage transaction without written disclosure to the client, and to the person paying for the service, if not the same person. Real estate brokerage services and the prohibited referral conduct referenced in 19-1 above are not subject to this rule.



## Current Cases

*Karen L. Bivins, Deputy Director*

*On July 21, 2005 the members of the Commission ratified their decisions reached after hearings involving the following licensees:*

1. David A. Ireland of Newport, Maine. Ireland is a designated broker who failed to properly maintain his agency trust account.

An office examination and trust account audit revealed that Ireland failed to properly maintain his agency trust account and could not account for money that his agency was supposed to be holding for real estate transactions. He failed to produce records for inspection and failed to provide documents pertaining to matters under investigation. Ireland also misrepresented fuel consumption on a house he owned that he was selling to a client.

Ireland was found in violation of 32 M.R.S.A. §§ 13067(1)(A), (F), (G), (H), and (L), 13178, 13275(1), Chapter 320 Sections 2(A), 3(B), (C), and (E), and Chapter 330 Section 7 of the Maine Real Estate Commission Rules. Ireland's designated broker license was ordered suspended for 90 days; was ordered to pay a fine of \$5,000; was ordered to provide a CPA audit of his agency trust account and to provide future updates of the audit; and he was ordered not to hold a designated broker license for a period of 4 years.

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2. Diana B. Parsons of China, Maine. Parsons is a designated broker who failed to provide documents to the Director during an investigation.

A complaint was received by the Commission about Parsons that included an allegation concerning the handling of an earnest money deposit. Parsons was requested to provide a written response and subsequently, to contact the Commission to schedule an office examination and trust account audit. She submitted some information concerning the complaint but did not make any attempt to schedule the audit. Attempts to locate Parsons by mail and in person at the location of her agency were unsuccessful.

Parsons was found in violation of 32 M.R.S.A. §§ 13067(1)(A) and (L), 13173(5), and 13178. The Commission ordered the immediate suspension of Parsons' license until such time as she makes a full accounting to the Commission of her agency trust account.

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*On July 21, 2005 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:*

1. Julie A. Cromwell of Wiscasset, Maine. Cromwell is a designated broker who improperly released a disputed earnest money deposit.

Property was listed for sale with Cromwell's agency, and subsequently a buyer was found who entered into a purchase and sale agreement with the seller. When the sale did not close, Cromwell instructed the listing agent to ask the sellers to sign a release form authorizing the disbursement of the deposit to the sellers. She also asked that the buyer write a letter stating that the buyer desired to terminate the contract. The buyer provided the written statement, but it did not mention the deposit. Cromwell did not ask the buyer to sign the release for authorizing payment of the deposit to the sellers. She then released the deposit to the sellers. The buyer later notified Cromwell that she did not agree to the payment.

Cromwell was found in violation of 32 M.R.S.A. § 13067(1)(F) and Chapter 320 Section 3(I) of the Maine Real Estate Commission Rules. She agreed to pay a fine of \$500.00.

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2. William J. Daly of Standish, Maine. Daly is a sales agent who failed to disclose a criminal conviction. He stated on his sales agent license application that he had been convicted of "driving under the influence" in 1999 and "driving after suspension" in 2000. The Director learned that Daly had been convicted of "Criminal Mischief" in 1995. After being contacted by the Director, Daly submitted an amendment to his application disclosing the conviction.

Daly was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191. He agreed to pay a fine of \$200.00.

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3. Patricia Ann Newcomb Lord of Searsport, Maine. Lord is a designated broker who failed to verify information about a property that she was promoting.

Lord listed for sale a residential property that the owner said had been owned by Paul Revere's family. Lord did not take any steps to verify the information but used the statement prominently in promoting the property. A buyer entered into a purchase and sale agreement with the seller. During the pendency of the transaction, the buyer learned that the property had not been owned by Paul Revere's family. The sale did not go forward.

Lord was found in violation 32 M.R.S.A. § 13067 (1)(H). She agreed to pay a fine of \$500.00.

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4. Tammy J. Richard of Falmouth, Maine. Richard is an associate broker who failed to complete 15 hours of approved continuing education prior to the renewal of her license.

*(Continued on page 6)*

## Current Cases (continued)

(Continued from page 5)

As part of her license renewal application, Richard certified that she had completed 15 hours of approved continuing education. After an audit, it was discovered that she completed only 12 hours of approved continuing education for renewal of her license.

Richard was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed to pay a fine of \$700.00 and to submit documentation of successful completion of 3 clock hours of approved continuing education.

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On August 8, 2005 the members of the Commission ratified their decision reached after a hearing involving Della E. Lamoreau of Hallowell, Maine. Lamoreau is a sales agent who failed to disclose a criminal conviction. She stated on her sales agent license application that she had been convicted of "unpaid cks at one time." The Director learned that Lamoreau had been convicted of "Theft by Deception" in 1988 and "Negotiating a Worthless Instrument" in 2003. After being contacted by the Director, Lamoreau submitted additional information about the convictions.

Lamoreau was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1). She was ordered to pay a fine of \$400.00.

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On August 8, 2005 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:

1. Fred L. Andrews of Portland, Maine. Andrews is a designated broker who failed to report a criminal conviction in a timely manner. In June 2005 Andrews disclosed on his license renewal application that he had been convicted of "Operating Under the Influence of Liquor" in September 2003 and July 2004. Andrews had not previously notified the Commission of the convictions.

Andrews was found in violation of 32 M.R.S.A. § 13195. He agreed to pay a fine of \$500.00.

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2. Lauri A. Matos of Saco, Maine. Matos is a sales agent who failed to disclose a criminal conviction. She stated on her sales agent license application that she had not been convicted of a crime. The Director learned that Matos had been convicted of "Theft by Unauthorized Taking or Transfer" in 1988. After being contacted by the Director, Matos submitted a written amendment to her application disclosing the conviction.

Matos was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191. She agreed to pay a fine of \$200.00.

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On August 25, 2005 the members of the Commission accepted a consent agreement entered into by the Director and Vincent L. Russo of Portland, Maine. Russo is a sales agent who failed to disclose a criminal conviction. He stated on his sales agent license application that he had not been convicted of a crime. The Director learned that Russo had been convicted of "Disorderly Conduct" in 2001. After being contacted by the Director, Russo submitted a written amendment to his application disclosing the conviction.

Russo was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191. He agreed to pay a fine of \$200.00.

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On September 22, 2005 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:

1. Franklin O. Cobb III of South Portland, Maine. Cobb is an inactive broker who failed to report a criminal conviction in a timely manner. In April 2005 Cobb disclosed on his license renewal application that he had been convicted of "Operating Under the Influence" on March 4, 2003. Cobb had not previously notified the Commission of the conviction.

Cobb was found in violation of 32 M.R.S.A. § 13195. He agreed to pay a fine of \$200.00.

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2. John M. Doucette III of Madison, Maine. Doucette is an associate broker who failed to report a criminal conviction in a timely manner. On August 24, 2005 Doucette notified the Commission that he had been convicted of "Operating Under the Influence" on November 10, 2004. Doucette had not previously notified the Commission of the conviction.

Doucette was found in violation of 32 M.R.S.A. § 13195. He agreed to pay a fine of \$200.00.

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On October 17, 2005 the members of the Commission ratified their decision reached after a hearing involving Brian R. Seekins of Bucksport, Maine. Seekins was a sales agent who failed to comply with an executed consent agreement.

On January 20, 2005 Seekins entered into a consent agreement in which he agreed to pay a fine of \$200.00 by April 29, 2005. He did not pay the fine.

Seekins was found in violation of 32 M.R.S.A. § 13067(1)(M). The Commission ordered the immediate revocation of Seekins' sales agent license.

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On October 17, 2005 the members of the Com-

(Continued on page 7)

## Current Cases (continued)

(Continued from page 6)

*mission accepted the following consent agreements entered into by the Director and various licensees:*

1. Timothy M. Dunham of Topsham, Maine. Dunham is a designated broker who failed to complete 15 hours of approved continuing education prior to the renewal of his license.

As part of his license renewal application, Dunham certified that he had completed 15 hours of approved continuing education. After an audit, it was discovered that he completed only 14 hours of approved continuing education for renewal of his license.

Dunham was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He agreed to pay a fine of \$600.00 and to submit documentation of successful completion of 2 clock hours of approved continuing education.

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2. Margaret J. MacDonald of Portsmouth, New Hampshire. MacDonald is a broker who failed to complete 15 hours of approved continuing education prior to the renewal of her license.

As part of her license renewal application, MacDonald certified that she had completed 15 hours of approved continuing education. After an audit, it was discovered that she completed only 12 hours of approved continuing education for renewal of her license.

MacDonald was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed to pay a fine of \$500.00 and to submit documentation of successful completion of 3 clock hours of approved continuing education.

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3. Marcel B. Poulin of Auburn, Maine. Poulin is a broker who failed to comply with the terms of an executed consent agreement.

On December 2, 2003 Poulin entered into a consent agreement in which he agreed to several terms. One of the terms was submission of course certificates documenting 15 clock hours of approved continuing education along with his renewal application and fee for his October 2005 renewal. In October 2005 when he submitted his renewal application, he did not submit any course certificates.

Poulin was found in violation of 32 M.R.S.A. § 13067(1)(M). He agreed to pay a fine of \$200.00 and to submit documentation of successful completion of 15 clock hours of approved continuing education.

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*On October 20, 2005 the members of the Commission accepted a consent agreement entered into by the Director and Donna Hall of Sanford, Maine. Hall is a*

broker who failed to protect and promote the interests of her principals with absolute fidelity.

In September 2003 Hall listed for sale residential property and completed a disclosure form that stated a survey had been completed and was available. She agreed with her clients that the survey would be produced if questions arose about the acreage, which her clients stated was 4 acres.

Hall showed the property to a buyer client and provided the various documents about the property which indicated it included 4 acres of land. The sellers and buyer entered into a purchase and sale agreement. During the transaction, Hall obtained a copy of the deed for the property which showed 3.5 acres, more or less. At one point the parties discussed the amount of acreage. Hall did not mention obtaining the survey which had been previously discussed with the sellers. After the closing, the buyer obtained a copy of the survey at the town office and discovered that the lot was 2.65 acres.

Hall was found in violation of 32 M.R.S.A. § 13067(1)(G). She agreed to pay a fine of \$1,000.00.

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*On November 10, 2005 the members of the Commission ratified their decision reached after a hearing involving David A. Earle of Windham, Maine. Earle was an associate broker who failed to inform his designated broker of 3 transactions conducted on behalf of the agency.*

Earle brokered 3 transactions which closed in July 2004 and September 2004. He attended the closing and received the commission payments for the agency. He did not turn over the payments for processing, which was the policy of the agency. All three commission payments were deposited into Earle's personal bank account. After learning of the transactions while researching data on the multiple listing service, his designated broker discovered that Earle had not turned in to the agency the purchase and sale agreements or the closing documents for the transactions.

Earle was found in violation of 32 M.R.S.A. §§ 13067(1)(A) and (F), and Chapter 330 Section 14 of the Maine Real Estate Commission Rules. The Commission ordered the immediate revocation of Earle's associate broker license.

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*On November 10, 2005 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:*

1. Tammitha L. Bellefleur of Auburn, Maine. Bellefleur is a sales agent who failed to disclose criminal convictions. She stated on her sales agent license application that she had not been convicted of a crime. The

(Continued on page 8)

## Current Cases (continued)

(Continued from page 7)

Director learned that Bellefleur had been convicted of "Theft by Unauthorized Taking (Charge Class E)" in 1991 and "Criminal Mischief (Charge Class D)" in 1993. After being contacted by the Director, Bellefleur submitted a written amendment to her application disclosing the convictions.

Bellefleur was found in violation of 32 M.R.S.A. §§ 13067(1)(A) and 13191. She agreed to pay a fine of \$200.00.

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2. Donald J. Berry of Madison, Maine. Berry is a designated broker who failed to properly supervise a sales agent and who failed to make an earnest money deposit in a timely manner.

During the first 90 days of being licensed with Berry's agency, a sales agent prepared an offer for a buyer client to purchase residential property. This was the first transaction in which the sales agent acted as a buyer broker. The seller struck some contingencies and signed the offer but the sales agent failed to have the buyer initial the changes. About 7 days later, Berry deposited the earnest money into his agency trust account. He did not review or initial any of the documents prepared by the sales agent.

At some point the buyer notified the sales agent that she would not be able to close the sale as scheduled. The sales agent conveyed the information and the seller verbally agreed to extend the closing. Subsequently, further delays occurred and the parties agreed in writing to extend the transaction. The buyer agreed to release the deposit to the seller and to provide an additional deposit, to be conveyed immediately to the seller. The buyer was to be credited with the full amount at the closing. At one point, another written extension of the purchase and sale agreement which included clauses that had been struck from the original agreement. Berry did not review any of the extensions prepared by the sales agent. A final request to extend the closing was rejected by the seller and the transaction ended.

Berry was found in violation of 32 M.R.S.A. § 13067(1)(I)(3), and chapter 320 Sections 2(A) and 3(C) of the Maine Real Estate Commission Rules. He agreed to pay \$2,000.00 to the complainant.

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3. Danielle M. Kenney of Bangor, Maine. Kenney is an associate broker who failed to complete 15 hours of approved continuing education prior to the renewal of her license.

As part of her license renewal application, Kenney certified that she had completed 15 hours of approved continuing education. After an audit, it was discovered that she completed 6 hours of approved continuing education for renewal of her license. She also com-

pleted 6 clock hours of education 4 days after the issuance of her renewal license.

Kenney was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed to pay a fine of \$600.00 and to submit documentation of successful completion of 3 clock hours of approved continuing education.

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*On November 17, 2005 the members of the Commission ratified their decision reached after a hearing involving Laurence A. Kelly of Portland, Maine. Kelly is a designated broker who failed to complete 15 hours of approved continuing education prior to the renewal of his license.*

As part of his license renewal application, Kelly certified that he had completed 15 hours of approved continuing education. After an audit, it was discovered that he completed 12 hours of approved continuing education for renewal of his license. He also completed 3 clock hours of education 2 days after the issuance of his renewal license.

Kelly was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He was ordered to pay a fine of \$100.00

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*On November 17, 2005 the members of the Commission accepted a consent agreement entered into by the Director and Patrick J. Moriarty, Jr. of Sanford, Maine. Moriarty is an associate broker who failed to disclose a criminal conviction. He stated on his associate broker license application that he had not been convicted of a crime. The Director learned that Moriarty had been convicted of "Disorderly Conduct (Charge Class E)" in 1999. After being contacted by the Director, Moriarty submitted a written amendment to his application disclosing the conviction.*

Moriarty was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191. He agreed to pay a fine of \$200.00.

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*On December 15, 2005 the members of the Commission ratified their decisions reached after hearings involving the following licensees:*

1. Jeffrey C. Irving of Portland, Maine. Irving was a sales agent who failed to comply with the terms of a Commission order.

On April 21, 2005 the Commission issued a Decision and Order which required Irving to pay a fine of \$600.00 by May 25, 2005. The fine was not paid.

Irving was found in violation of 32 M.R.S.A. § 13067(1)(M). The Commission ordered the immediate

(Continued on page 9)



## Current Cases (continued)

(Continued from page 8)

revocation of Irving's sales agent license.

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### 2. Joseph E. Moore of Machiasport, Maine.

Moore was a sales agent who failed to disclose a criminal conviction. He stated in his sales agent license application that he had been convicted of "underage drinking" and "trespassing" in 1984. The Director learned that Moore had been convicted in 1984 of theft by unauthorized taking and criminal trespass. After being contacted by the Director, Moore submitted an amendment to the application disclosing a convictions. Prior to the hearing, Moore contacted the Commission staff and stated that he would not attend the hearing and did not intend to continue practicing under his license.

Moore was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1). The Commission ordered the immediate revocation of Moore's sales agent license.

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3. John H. Morrison of Auburn, Maine. Morrison was a sales agent who demonstrated bad faith, incompetency, untrustworthiness or dishonest, fraudulent or improper dealings.

Morrison had been licensed previously as an auctioneer. In two separate proceedings, Morrison was disciplined by the Board of Licensure of Auctioneers for conduct which bears upon his obligation to protect the public's trust in real estate brokerage. Morrison was found to have failed to account for money or property in his possession within a reasonable time; failed to forward proceeds from an auction; failed to settle his account with a consigner; failed to respond to the Board's correspondence or to his clients letters and telephone calls.

Morrison was found in violation of 32 M.R.S.A. § 13067(1)(A). The Commission ordered the immediate revocation of Morrison's sales agent license.

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4. Peter J. Perry of Rumford, Maine. Perry is a designated broker who failed to complete 15 hours of approved continuing education prior to the renewal of his license.

As part of his license renewal application, Perry certified that he had completed 15 hours of approved continuing education. After an audit, it was discovered that he completed only 10 hours of approved continuing education for renewal of his license. He also completed 6 hours after his license was renewed.

Perry was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He was ordered to pay a fine of \$300.00.

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5. Peter P. Pushor of Etna, Maine. Pushor is a sales agent who failed to disclose a criminal conviction.

He stated in his sales agent license application that he had not been convicted of a crime. The Director learned that he had been convicted of public indecency in 1987. After being contacted by the Director, Pushor submitted an amendment to the application disclosing the conviction.

Pushor was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1). He was ordered to pay a fine of \$300.00.

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6. Will R. Teel of Brunswick, Maine. Teel was a sales agent who failed to disclose a criminal conviction. He stated in his sales agent license application that he had been convicted of several traffic violations and a civil violation. The Director learned that Teel had been convicted in 1997 of theft by unauthorized taking or transfer. After being contacted by the Director, Teel agreed to submit a written amendment to his application but failed to do so.

Teel was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1). The Commission ordered the immediate revocation of Teel's sales agent license.

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*On December 15, 2005 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:*

1. David M. LaCouture of Bangor, Maine. LaCouture is a sales agent who failed to disclose a criminal conviction. He stated in his sales agent license application that he had not been convicted of a crime. The Director learned that LaCouture was convicted of "Criminal Mischief (Charge Class D)" in 1992. After being contacted by the Director, LaCouture submitted a written amendment to his application.

LaCouture was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191. He agreed to pay a fine of \$200.00.

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2. Darlene M. Olson of Portsmouth, New Hampshire. Olson is an associate broker who failed to report a criminal conviction in a timely manner. In October 2005 Olson notified the Director that she had been convicted of "Driving to Endanger" in November 2004.

Olson was found in violation of 32 M.R.S.A. § 13195. She agreed to pay a fine of \$200.00.

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3. Suzanne D. Ricker of Portsmouth, New Hampshire. Ricker is a designated broker who failed to complete 15 hours of approved continuing education before renewing her license.

As part of her license renewal application, Ricker

(Continued on page 10)

## Current Cases (continued)

(Continued from page 9)

certified that she had completed 15 hours of approved continuing education. After an audit, it was discovered that she had completed 12 hours of education during her license renewal term.

Ricker was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed to a 30 day suspension of the designated broker license, and to complete 3 clock hours of continuing education.

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*On January 11, 2006 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:*

1. Peter R. Adams of Portland, Maine. Adams is a designated broker who failed to report a criminal conviction in a timely manner. In December 2005 Adams notified the Director that he had been convicted of "Driving to Endanger" in January 2004. A copy of Adams' driving record from the Bureau of Motor Vehicles showed that the conviction was actually in January 2003.

Adams was found in violation of 32 M.R.S.A. § 13195. He agreed to pay a fine of \$200.00.

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2. Keith D. Greenlaw, Jr. of Bangor, Maine. Greenlaw is an associate broker who failed to properly handle money received during a transaction.

Greenlaw represented the buyers in the purchase of real estate. During the transaction, the sellers agreed to give \$800.00 at the closing to be paid to the buyers in the event that the oil tank had to be replaced within one year of the closing, which took place on December 26, 2002. The money was to be held by Greenlaw's agency. After receiving the check, Greenlaw put it in the transaction file and did not tell anyone at the agency about the check or its purpose.

In March 2003, the buyers asked Greenlaw for the money, at which time he gave the check to the agency controller to deposit in the agency trust account. He then asked the controller to write a check to the buyers and stated that he had signed release forms from all the parties, which he did not. A check for \$800.00 was issued to the buyers.

Greenlaw notified the listing agent about the release of the money. In June 2003 a written estimate, dated March 11, 2003, was provided to the sellers showing the cost for replacement of the oil tank. It was also discovered that the tank had not been replaced and was not replaced until September 2003.

Greenlaw was found in violation of 32 M.R.S.A. §§ 13067(1)(A), (F), and (G); Chapter 320 Section 3(C) and Chapter 330 Section 14 of the Maine Real Estate Commission Rules. He agreed to pay \$800.00 to the sellers; to pay a fine of \$900.00; and to a 15 day suspen-

sion of his license.

\*\*\*\*\*

3. Melissa L. Griffin of Lisbon Falls, Maine. Griffin is a sales agent who failed to disclose a criminal conviction. She stated on her sales agent license application that she had been convicted of "Operating Under the Influence - (OUI)" in 1992. The Director learned that Griffin was convicted of "Disorderly Conduct "Charge Class E)" in 1994. After being contacted by the Director, Griffin submitted a written amendment to her application.

Griffin was found in violation of 32 M.R.S.A. § 13191(1). She agreed to pay a fine of \$200.00.

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4. Katherine S. Hansen of Portland, Maine. Hansen is an associate broker who failed to report a criminal conviction in a timely manner. In November 2005 Hansen notified the Director that she had been convicted in California of "Disturb the Peace" in April 2003.

Hansen was found in violation of 32 M.R.S.A. § 13195. She agreed to pay a fine of \$200.00.

\*\*\*\*\*

5. John H. Scribner of Portland, Maine. Scribner is a sales agent who failed to disclose a criminal conviction. He stated on his sales agent license application that he had not been convicted of a crime. The Director learned that Scribner had been convicted of "Obstructing Government Administration (Charge Class D)" in 1989. After being contacted by the Director, Scribner submitted a written amendment to his application.

Scribner was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1). He agreed to pay a fine of \$200.00.

\*\*\*\*\*

6. Cheryl L. Spang of Scarborough, Maine. Spang is a designated broker who failed to complete 15 hours of approved continuing education before renewing her license.

As part of her license renewal application, Spang certified that she had completed 15 hours of approved continuing education. After an audit, it was discovered that she had completed 3 hours of education prior to submitting her renewal application and 12 hours after submitting her renewal application and the expiration date of her license.

Spang was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed pay a fine of \$1,000.00.

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*On February 16, 2006 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:*

(Continued on page 11)

## Current Cases (continued)

(Continued from page 10)

1. John P. Cyr of Caribou, Maine. Cyr is a broker who failed to disclose information about the condition of a property.

Cyr was the listing agent of residential property. The sellers of the property were the personal representatives of the original owner, who had the property built in 2002. When the house was being cleared of belongings, it was discovered that there were some spaces between the wall and the floor in two bedrooms, and a portion of the floor in the master bedroom had settled beneath the grade of the rest of the floor, causing some cracks in the floor tiles. Cyr photographed the areas and sent the pictures to the sellers, who did not live in Maine.

Sometime later, Cyr was told by the sellers that the problems had been repaired by a contractor. Cyr went to the property and saw a number of 2' x 4' boards installed in the basement around and against the wall area of the two bedrooms. The separations between the wall and floor were no longer visible. The cracked tiles had not been replaced. Cyr did not make any notations on the property disclosure form addressing the problems or the repairs.

The property was shown to interested buyers and a purchase and sale agreement was executed. Cyr did not provide any information about the problems or repairs to the property. Shortly after the closing, the buyers were told by other people about the separation between the floor and the walls. The buyers eventually had a building inspection performed, which found evidence of settlement of the foundation wall and questioned the method of repair used to correct the problem. An estimate for repairs was \$4,400.00.

Cyr was found in violation of 32 M.R.S.A. §§ 13067(1)(H) and 13272(2)(A). He agreed to pay \$4,000.00 to the buyers.

\*\*\*\*\*

2. Walter D. Kallenback, Jr. of Ogunquit, Maine. Kallenback is a broker who failed to report a criminal conviction in a timely manner. In January 2006 Kallenback notified the Director that he had been convicted of "Operating Under the Influence" in March 2004.

Kallenback was found in violation of 32 M.R.S.A. § 13195. He agreed to pay a fine of \$200.00.

\*\*\*\*\*

3. Faith F. Russo of South Portland, Maine. Russo is a sales agent who failed to ensure that a written offer included appropriate reference to an existing purchase and sale agreement.

Russo was the listing agent for a residential property which the sellers had contracted to sell to purchasers. The contract included the provision that the buyers sell their property and included an addendum with a kick out clause which allowed the buyers 15 days to remove

the contingency if the sellers received another acceptable offer. The parties agreed that the existence of the kick out clause could be disclosed to other buyers, but the terms would remain confidential.

Subsequently, another buyer met with the sellers and Russo to discuss an offer. The buyer was told that any offer would be a back up offer to the existing contract. Russo prepared the offer but did not include any language stating that it was a back up offer. The sellers accepted the offer. The sellers then notified the first buyers of the second offer, and they removed the contingency for the sale of their property. At some point thereafter, Russo faxed to the second buyer a copy of the addendum and kick out clause from the first contract, with the verbal approval of the sellers but without their written approval or that of the first buyers.

Russo was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and (G), and Chapter 330 Section 13 of the Maine Real Estate Commission Rules. She agreed to pay a fine of \$800.00.

\*\*\*\*\*

*On March 23, 2006 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:*

1. Janet Andrews of Belfast, Maine. Andrews is a broker who failed to provide adequate disclosure information about a property.

Andrews and another licensee co-listed a residential property at which there had been an oil spill earlier in the year. The Department of Environmental Protection had installed filters on the water supply, monitored the soils, and conducted a number of water tests over several months. The water tested satisfactory and the filters were removed. The seller provided information to Andrews about the oil spill and the subsequent involvement of DEP. Andrews completed the property disclosure form but did not reference the oil spill. In addition, she included on the form conflicting information by stating that the last water test was conducted 2 years previously but also referenced water tests conducted in the previous six months.

Andrews was found in violation of two counts of 32 M.R.S.A. § 13067(1)(H). She agreed to complete 3 hours of continuing education and to pay a fine of \$500.00.

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2. Julio D. Aramini of Belfast, Maine. Aramini is an associate broker who failed to provide adequate disclosure information about a property.

Aramini and another licensee co-listed a residential property at which there had been an oil spill earlier in the year. The Department of Environmental Protection had installed filters on the water supply, monitored the

(Continued on page 12)

## Current Cases (continued)

(Continued from page 11)

soils, and conducted a number of water tests over several months. The water tested satisfactory and the filters were removed. The seller provided information to Aramini about the oil spill and the subsequent involvement of DEP. Aramini completed the property disclosure form but did not reference the oil spill. In addition, he included on the form conflicting information by stating that the last water test was conducted 2 years previously but also referenced water tests conducted in the previous six months.

Aramini was found in violation of two counts of 32 M.R.S.A. § 13067(1)(H). He agreed to complete 3 hours of continuing education and to pay a fine of \$500.00.

\*\*\*\*\*

3. Paul B. Fitzgerald of Blue Hill, Maine. Fitzgerald is a sales agent who failed to disclose a criminal conviction. He stated on his sales agent license application that he had not been convicted of a crime. The Director learned that Fitzgerald had been convicted of "Theft by Unauthorized Taking or Transfer" in 1979. After being contacted by the Director, Fitzgerald submitted a written amendment to his application.

Fitzgerald was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191. He agreed to pay a fine of \$200.00.

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4. Brenda Fontaine of Auburn, Maine. Fontaine is a broker who allowed incorrect information to be disseminated through the multiple listing service.

Fontaine listed for sale three lots in a subdivision. The seller provided Fontaine with a survey plan which showed the acreage for the various lots, one of which contained 1.97 acres. Information was submitted to the multiple listing service that stated the lot was 2.98 acres. Fontaine has a practice of reviewing all advertising information prepared on property she lists, but in this case did not review the data before it was submitted to the listing service. Subsequently, a purchase and sale agreement was entered into by the seller and a buyer who believed the lot was 2.98 acres. After the closing, the buyer discovered that the property was actually 1.97 acres.

Fontaine was found in violation of 32 M.R.S.A. § 13067(1)(H). She agreed to pay a fine of \$1,900.00.

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5. Daniel G. Gabriel of Dover, New Hampshire. Gabriel is a designated broker who failed to complete 15 hours of approved continuing education before renewing his license.

As part of his license renewal application, Gabriel certified that he had completed 15 hours of approved continuing education. After an audit, it was discovered that he had completed 12 hours of education during his

license renewal term.

Gabriel was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He agreed to pay a fine of \$900.00 and to complete 3 hours of approved continuing education.

\*\*\*\*\*

6. Joseph M. Malone of Portland, Maine. Malone is a designated broker who failed to complete 15 hours of approved continuing education before renewing his license.

As part of his license renewal application, Malone certified that he had completed 15 hours of approved continuing education. After an audit, it was discovered that he had not completed the required core course.

Malone was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He agreed to pay a fine of \$900.00 and to complete the core course.

\*\*\*\*\*

7. Jane E. Morris of York, Maine. Morris is an associate broker who failed to complete 15 hours of approved continuing education before renewing her license.

As part of her license renewal application, Morris certified that she had completed 15 hours of approved continuing education. After an audit, it was discovered that she had completed 6 hours of education.

Morris was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed to pay a fine of \$1,200.00 and to complete 9 clock hours of approved continuing education.

\*\*\*\*\*

8. Richard Murphy of Portland, Maine. Murphy is a broker who improperly filed a mechanics line on a property.

Murphy entered into an agreement to represent a buyer in the purchase of real estate. About 5 months later, the buyer asked to be released from the representation agreement. Murphy discovered that the buyer had entered into a purchase and sale agreement to purchase property listed with another agency but had not told him about the contract. Murphy then filed a mechanics lien on the property. He did not have an agreement with the owner of the property to perform real estate brokerage services as required by the statute pertaining to mechanics liens.

Murphy was found in violation of 32 M.R.S.A. § 13067(1)(H). He agreed to pay a fine of \$500.00.

\*\*\*\*\*

9. Dianna M. Saleeby of Portland, Maine. Saleeby is an associate broker who failed to complete 15 hours of approved continuing education before renewing her license.

As part of her license renewal application, Saleeby certified that she had completed 15 hours of ap-

(Continued on page 13)



## Current Cases (continued)

(Continued from page 12)

proved continuing education. After an audit, it was discovered that she completed the required core course after being notified of the audit.

Saleeby was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed to pay a fine of \$600.00.

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10. Gretchen E. Stone of Kennebunkport, Maine. Stone is an associate broker who provided incorrect information about the acreage of a property.

Stone listed for sale a residential property and reviewed the town tax records for information about the property. The tax records listed the property as .32 acres with 13,939 square feet. Stone included the square footage figure on a property data form used for marketing purposes.

Stone also obtained a copy of the deed for the property, which stated specifically that the real estate contained 12,417 square feet. In reviewing the deed, Stone did not note the specific square footage and therefore did not take steps to correct the marketing information.

A buyer subsequently entered into a purchase and sale agreement with the seller. Before the closing, the discrepancy in the acreage was discovered. The parties negotiated further and the contract price was reduced.

Stone was found in violation of 32 M.R.S.A. § 13067(1)(H). She agreed to pay a fine of \$500.00.

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*On April 12, 2006 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:*

1. Teresa A. D'Andrea of Portland, Maine. D'Andrea is a sales agent who failed to disclose a criminal conviction. She stated on her sales agent license application that she had not been convicted of a crime. The Director learned that D'Andrea had been convicted of "Theft by Unauthorized Taking or Transfer" in 2001. After being contacted by the Director, D'Andrea submitted a written amendment to her application.

D'Andrea was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191. She agreed to pay a fine of \$300.00.

\*\*\*\*\*

2. William E. Ingersoll of Belfast, Maine. Ingersoll is an associate broker who failed to act reasonably in order to protect and promote his client's interests.

Ingersoll represented a buyer and showed his client a property that was listed by 2 other licensees in his company. In showing the property, Ingersoll re-

viewed the property disclosure form with his client. The form indicated that there were charcoal filters on the water supply, the last water test was conducted 3 years previously, and there were some tests conducted in the previous 6 months. Ingersoll did not question the information. After his client asked for more information about the filters, Ingersoll learned from the listing brokers that there had been an oil spill at the property earlier in the year and that the Department of Environmental Protection had been involved with installing filters and testing the soils and water. Ingersoll conveyed the information to his client but did not request a more complete property disclosure form, nor did he suggest that his client might want to seek further information from professionals about the future consequences of the oil spill.

Ingersoll was found in violation of 32 M.R.S.A. § 13067(1)(G). He agreed to complete 3 hours of approved continuing education and to pay a fine of \$700.00.

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3. Cash C. Wiseman of Portland, Maine. Wiseman is a broker who failed to comply with the terms of an executed consent agreement.

On October 5, 2003 Wiseman entered into a consent agreement in which he agreed to several terms. One of the terms was submission of course certificates documenting 15 clock hours of approved continuing education along with his renewal application and fee for his April 2005 renewal. In April 2005 when he submitted his renewal application, he did not submit any course certificates. Shortly thereafter, he submitted certificates showing completion of 9 hours of continuing education.

Wiseman was found in violation of 32 M.R.S.A. § 13067(1)(M). He agreed to pay a fine of \$500.00 and to submit documentation of successful completion of 21 clock hours of approved continuing education with his April 2007 license renewal.

\*\*\*\*\*

*On May 18, 2006 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:*

1. Larry A. Barnes of Damariscotta, Maine. Barnes is a sales agent who failed to disclose criminal convictions. He stated on his sales agent license application that he had been convicted of "Obstructing Government Administration" and "Disorderly Conduct" in 1977. The Director learned that Barnes also had been convicted of "Burglary (Felony Unknown Class)" in March 1977 and "Theft (Misdemeanor Unknown Class)" in October 1979. After being contacted by the Director, Barnes submitted a written amendment to his application.

Barnes was found in violation of 32 M.R.S.A. §§

(Continued on page 14)

## Current Cases (conclusion)

(Continued from page 13)

13067(1)(F) and 13191. He agreed to pay a fine of \$300.00.

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2. Nathan O. Davis of Newport, Maine. Davis is a sales agent who failed to disclose a criminal conviction. He stated on his sales agent license application that he had been convicted of "Operating Under the Influence" in 1999. The Director learned that Davis also had been convicted of "Disorderly Conduct (Charge Class E)" in December 1999. After being contacted by the Director, Davis submitted a written amendment to his application.

Davis was found in violation of 32 M.R.S.A. § 13191(1). He agreed to pay a fine of \$200.00.

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3. Donald A. Dearden of Falmouth, Maine. Dearden is an associate broker who failed to report a criminal conviction in a timely manner. In April 2006 Dearden notified the Director that he had been convicted of "Operating Under the Influence" in February 2006.

Dearden was found in violation of 32 M.R.S.A. § 13195. He agreed to pay a fine of \$200.00.

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4. Joyce E. Marco of Brunswick, Maine. Marco is an associate broker who failed to complete 15 hours of approved continuing education before renewing her license.

As part of her license renewal application, Marco certified that she had completed 15 hours of approved continuing education. After an audit, it was discovered that she had not completed the required core course.

Marco was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed to pay a fine of \$500.00 and to complete the core course.

\*\*\*\*\*

5. J. Bradford Rendle, III of Burlington, Massachusetts. Rendle is an associate broker who failed to complete 15 hours of approved continuing education before renewing his license.

As part of his license renewal, Rendle certified that he had completed 15 hours of approved continuing education. After an audit, it was discovered that he had completed 12 hours of education. He subsequently submitted evidence of completion an additional 3 hours of education after the audit.

Rendle was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He agreed to pay a fine of \$700.00.

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6. Robert A. Satter of Wells, Maine. Satter is a broker who failed to complete 15 hours of approved con-

tinuing education before renewing his license.

As part of his license renewal, Satter certified that he had completed 15 hours of approved continuing education. After an audit, it was discovered that he had completed 12 hours of education and had not completed the required core course.

Satter was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He agreed to pay a fine of \$700.00 and to complete the core course.

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7. Christine M. Starrett of Rockland, Maine. Starrett is a sales agent who failed to disclose a criminal conviction. She stated on her sales agent license application that she had not been convicted of a crime. The Director learned that Starrett had been convicted of "Criminal Trespass (Charge Class E)" in October 1982. After being contacted by the Director, Starrett submitted a written amendment to her application.

Starrett was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191. She agreed to pay a fine of \$200.00.

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8. Teresa A. Turcotte of Auburn, Maine. Turcotte was a sales agent who acted improperly by changing a water test.

Turcotte was a listing agent of residential property. A buyer entered into a purchase and sale agreement with the seller. The agreement was contingent upon a water quality test and financing. The water test was conducted and the results were unsatisfactory. Turcotte was informed by the financing company that another test was necessary. She changed the original test report to show that the results were satisfactory and submitted the report. The financing company contacted the laboratory that performed the test and it was determined that the report had been modified. Turcotte admitted that she changed the test result to satisfactory.

Turcotte was found in violation of 32 M.R.S.A. § 13067(1)(A). She agreed to pay a fine of \$2,000.00 and not to reapply for a license for a period of 5 years.

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9. Sterlin J. Zephir of Bangor, Maine. Zephir is a sales agent who failed to disclose a criminal conviction. He stated on his sales agent license application that he had not been convicted of a crime. The Director learned that Zephir had been convicted of "Furnishing Liquor to a Minor (Charge Class D)" in October 1997. After being contacted by the Director, Zephir submitted a written amendment to his application.

Zephir was found in violation of 32 M.R.S.A. §§ 13067(1)(F) 13191. He agreed to pay a fine of \$200.00.

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## Commission approves new Sales Agent and Associate Broker Course Guidelines

Effective July 1, 2006 the course guidelines for the sales agent and associate broker courses will change. The changes are as follows:

**Sales Agent Course Requirements** - an increase in the number of classroom hours from 39 to 55; expansion of course topics to be covered; a minimum of 3 quizzes plus a final exam, and a passing grade of 75.

**Associate Broker Course Requirements** - as a result of the changes to the sales agent course that incorporate much of the previous associate broker law and practice course topics, the new associate broker course will consist of 60 hours of classroom time (a significant part of the course will be taught in a case study format) and documented field experience (estimated to be a minimum of 40 hours), a minimum of 3 quizzes plus a final exam, and a passing grade of 75.

The documented field experience component of the associate broker course will require the designated broker, or mentor(s) selected by the designated broker, to train a licensed sales agent using the form approved by the Commission in the following 6 specific areas:

1. Real estate office orientation;
2. Taking a listing;
3. Working with a buyer;
4. Making the offer;
5. Under contract to closing; and
6. Record keeping

The Documented Field Experience Form may be obtained from an instructor teaching the sales agent or associate broker course or downloaded from the Commission's website - [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org). This training component of the associate broker course may begin as soon as the student is licensed as a sales agent. Associate broker students will be required to submit the completed Documented Field Experience Form to the associate broker instructor.

## Services and Publications available on Commission website

**License Status Check:** You can check the status of your license on-line, at the Commission's website. Go to [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org), and click on the green button that says "find a licensee". Scroll to the bottom of the screen and select "start search", then choose "Real Estate Commission" from the drop-down list. Type in you last name and click on "find licensee". This is linked to our licensing database; information is updated in real time.

**Forms:** Have you downloaded change of license and agency record modification forms lately? Go to [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org), click on the "apply for a license" button, and select "R" for real estate. From our home page, look for the link that says "applications, forms and publications." License applications, copies of our statute and rules, copies of newsletters, commission meeting minutes and other documents of interest are also available.

**Continuing Education:** You can view a list of upcoming continuing education courses, plus a list of correspondence course providers and core course providers. Go to [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org), click on the "apply for a license" button, and select "R" for real estate. Below the link that says "applications, forms and publications" you will see a link that says "Continuing Education Course Schedule".

**Prelicensing Courses:** For a list of upcoming sales agent, associate broker and designated broker courses, Go to [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org), click on the "apply for a license" button, and select "R" for real estate. Below the link that says "applications, forms and publications" you will see a link that says "Prelicense Course Schedule".

**On-line License Renewal:** Start at [www.maineprofessionalreg.org](http://www.maineprofessionalreg.org), and click on the button that says "renew an existing license." In order to renew online, you will then need to know your license number. A valid credit card and email address are also required. If you have problems with this system, please call (207) 624-8518.

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publication published under appropriation  
014 02A 4060. This is a dedicated reve-  
nue account consisting of funds collected  
from licensing.*

Total licensees, as of  
May 1, 2006:

Agencies  
1300

Designated Brokers  
1110

Brokers  
1327

Associate Brokers  
2145

Sales Agents  
2015

Inactive licensees  
(all types)  
1435

Total:  
9332

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U.S. POSTAGE  
PAID  
PERMIT NO. 8  
AUGUSTA, ME